

Model Template for Service Level Agreement between St Edmundsbury Borough Council and a Parish/Town council for the purposes of producing a Neighbourhood Plan

Service Level Agreement between St Edmundsbury Borough Council and XXXX Parish/Town Council(s) for the purpose of producing a Neighbourhood Plan

The Agreement

This **Agreement** is between: -

- a) **St Edmundsbury Borough Council, and**
- b) **Parish/Town Council**

Introduction and Purpose

Introduction

The Localism Act 2011 introduced the following provisions into the planning process: -

- Neighbourhood Development Plans
- Neighbourhood Development Orders
- Community Right to Build Orders

In St Edmundsbury Neighbourhood Plans and Neighbourhood Development Orders can only be undertaken by a Parish/Town Council.

Under the provisions of the Localism Act 2011 St Edmundsbury Borough Council is responsible for

- a. fulfilling certain statutory requirements and
- b. the provision of advice and assistance to Parish/Town Councils¹

Purpose

The purpose of this agreement is to establish the working relationship between the Parish/Town Council and St Edmundsbury Borough Council.

This agreement confirms:

- a. How St Edmundsbury Borough Council will undertake its statutory duties
- b. The level and extent of the technical advice and assistance that St Edmundsbury Borough Council will provide
- c. How the Parish/Town Council will aim to progress the Neighbourhood Plan
- d. How the Parish/Town Council will engage with St Edmundsbury Borough Council.

¹ Parish Council refers to a parish/town council or group of parish councils that decide

to prepare a Neighbourhood Plan.

The Memorandum of Agreement:

This Agreement is between: -

St Edmundsbury Borough Council and

.....Parish/Town Council
(namely the Chairman of the parish/town council)

Designation of Neighbourhood Area:

Date submitted.....

Date of approval by St Edmundsbury Borough Council.....

Signatories:-

a).....
(Head of Planning and Growth)

b).....

Chair on behalf ofParish/Town Council

This agreement will commence on:

Date and duration of Agreement

This Agreement will commence once the document has been signed and dated by the selected representatives of both parties. It will come into effect once a neighbourhood area has been designated following submission to St Edmundsbury Borough Council (SEBC).

It is expected that this Agreement will run until the neighbourhood plan is either made or abandoned, with a review after 12 months by both parties with respect to its continuation or both parties agree to its abandonment.

Working Relationships

The parties to this agreement seek:

- a. an open and constructive working relationship
- b. to respect each other's views, and where different, discussion to ensure proper understanding of the reasons for such differences
- c. to have a 'no surprises' policy, based on notifying each other well in advance, where possible, of significant announcements and

developments in policy

- d. to minimise duplication of activity wherever possible
- e. to inform other stakeholders about our relationship so as to reduce uncertainty.

Roles and Responsibilities

Background

Neighbourhood Planning was introduced by the Localism Act 2011. The associated Regulations (The Neighbourhood Planning (General) Regulations 2012) require St Edmundsbury Borough Council (SEBC) to undertake certain provisions. In addition, the Council is also required to provide technical advice and support.

This Agreement sets out how the Council will meet its statutory obligations and the level of assistance it will offer to parish/town councils.

Once an application for a neighbourhood area has been submitted to SEBC, a 6 week consultation period will be undertaken by the Council regarding the appropriateness of the area. A decision about the area will be made by the Planning Portfolio Holder as soon as possible after the end of the consultation.

SEBC will notify the parish/town council and ward member of this consultation period.

The statutory obligations for SEBC are set out in the table below:

Regulation references refer to the Neighbourhood Planning (General) Regulations 2012

Statutory procedures	St Edmundsbury Borough Council will meet the following standards:-
Publicising the Neighbourhood Area application Regulation 6	The proposed Neighbourhood area will be publicised on the Council's website for not less than 4 weeks where the application relates to a whole parish area, and not less than 6 weeks in all other cases.
Agreement of the Neighbourhood Development Plan Area Regulation 7	Following the date the application for a neighbourhood area is first publicised, a decision will be made by the Planning Portfolio Holder by; <ul style="list-style-type: none">• 8 weeks, where the relevant body is a parish council and the area to which the application relates is the whole of the area of the parish council• 20 weeks, in a case where the area to which the application relates falls within the areas of two or more local planning authorities• 13 weeks in all other cases, for example forums applying for an area to be designated
Confirm that the pre-submission	Before the Parish Council starts its pre-

Statutory procedures	St Edmundsbury Borough Council will meet the following standards:-
<p>plan meets the requirements of the Localism Act</p> <p>Regulation 14</p>	<p>submission consultation, SEBC will provide advice as to:</p> <ul style="list-style-type: none"> • whether the plan meets the basic conditions¹ • whether the plan has been publicised • whether the other documents submitted are suitable (e.g. consultation statement, Environmental Assessment, Sustainability Appraisal and Habitat Regulations Assessment) • whether any maps submitted conform with OS mapping requirements (including copyright)
<p>Confirmation that the submitted Neighbourhood Development Plan meets the criteria within the Localism Act</p> <p>Regulation 15</p>	<p>Within one week following receipt of the submission documents, Council officers will assess the Neighbourhood Plan to consider:</p> <ol style="list-style-type: none"> 1. Whether the proposal and accompanying documents: <ol style="list-style-type: none"> a. Comply with the rules for submission to the Council (Regulation 15); b. Meet the definition of a neighbourhood plan; c. Meet the scope of neighbourhood plan provisions (specify the period for which it is to have effect/cannot include provision about development that is 'excluded development'/cannot relate to more than one neighbourhood area or repeat an existing planning permission). 2. Whether the parish council has undertaken the correct procedures in relation to consultation and publicity <p>The Council can refuse to progress a</p>

¹ If it is to proceed to a referendum, a Neighbourhood Plan is required to meet seven basic conditions listed at [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#)

Statutory procedures	St Edmundsbury Borough Council will meet the following standards:-
	<p>neighbourhood plan if it does not meet all of the requirements.</p> <p>Final approval, that the requirements of regulation 15 have been met, will be given by the Head of Planning and Growth.</p>
Publicise the submission plan and other relevant documentation and forward comments to examiner Regulation 16	Within four weeks of the Head of Planning and Growth confirming approval, the Council will publicise the submitted plan and notify bodies referred to in the submitted consultation document for a six week period during which formal representations can be made.
Approval of the appointment of an examiner with the Parish/Town Council and move submission plan/order for independent examination Regulation 17	<p>SEBC is responsible for making the arrangements for the examination. Within four weeks of the close of the consultation, the Council will have worked with the Parish Council to agree the appointment of an examiner.</p> <p>Once the examiner is appointed the representations will be sent to the independent examiner.</p>
Consideration of the Examiner's Report and provision of 'Decision Statement' Regulation 18	<p>Within one week of receiving the examiner's report the Council will publish the report on its website.</p> <p>Within eight weeks of receipt of the examiner's report, the Planning Portfolio Holder will decide whether the plan is ready for referendum or whether modifications are required. 'Decision statement 1' will be sent to the Parish Council.</p>
Arrange Referendum date	<p>SEBC will organise the referendum to take place within 60 days of the decision statement upon the Examiner's Report being published.</p> <p>SEBC will publish detailed information about the referendum on its website 28 days before the referendum is to take place.</p> <p>If a referendum results in more than half those voting (i.e. 50% + 1) in favour of the proposal the Council must formally adopt the plan as soon as reasonably practical.</p>

Statutory procedures	St Edmundsbury Borough Council will meet the following standards:-
Make/Adoption of Plan Regulation 19/20	At the first available meetings of Cabinet/Council following a positive referendum result, the plan will be formally adopted. 'Decision statement 2' will be published setting out the reasons for the decision.

Technical advice and support

St Edmundsbury Borough Council will: -

Topic	Advice and support
Published advice	<p>Provide advice on the West Suffolk website as a first port of call for enquiries about neighbourhood planning</p> <p>www.westsuffolk.gov.uk/neighbourhoodplanning</p>
Named contact	<p>Provide a named officer as a first point of contact for advice and technical support</p> <p>The support officer in this case is: -</p> <p>Telephone:</p> <p>Email:</p>
Initial meeting	At the request of the Parish Council and following the designation of the Neighbourhood Area, the support officer will attend and provide an overview on the procedures and issues.
Provision of background data/evidence	<p>At the request of the Parish Council, the support officer will provide and/or direct to the appropriate source of background evidence/data:</p> <ul style="list-style-type: none"> • The legal procedures to be followed • Relationship with current planning policy in West Suffolk • Methods of consultation and engagement • Contacts for statutory undertakers or other key consultees • The requirements of other legislation such as the Habitats Regulations and Strategic Environmental Assessment • Comments on emerging drafts of plans • Update on funding and grants available • Assist in digitising the final

	proposals/policy maps <ul style="list-style-type: none"> • Provide advice in getting the best from any paid support from contracted consultants
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St Edmundsbury Borough Council **will not** be able to offer support/assistance in the following areas: -

- Writing documents or policies
- Carrying out of Sustainability Appraisals or Environmental Assessments
- Designing or printing documents/graphics
- Undertaking primary community survey work
- Attending every meeting/consultation event organised
- Direct financial support

Obligations for the Parish/Town Council

Following the agreement by the Council of the Neighbourhood Area, the Parish/Town Council will: -

- Establish a steering group to develop the Neighbourhood Plan, with a clear reporting link to the Parish Council via a Terms of Reference
- Arrange an initial meeting of the Parish Council/steering group and invite the named contact officer from St Edmundsbury Borough Council
- Prepare a project plan for the preparation of the Neighbourhood Development Plan which will include: -
 - An indicative timetable for the completion of the Neighbourhood Development Plan
 - The provision of regular updates on progress to the Council via your Neighbourhood support officer
 - Programme discussions with the support officer during the preparation of the draft plan